under the statutes of that State." As the court of appeals correctly held (Pet. App. A3-A4), this narrow exemption is inapplicable here. The exception is expressly limited to betting "on a sporting event" and reflects Congress' deference to the State laws, in existence at the time of enactment, which permitted non-parimutuel betting on races and athletic contests.[4] It was not intended to apply to lotteries or other numbers games. The fact that the top prizes (but by no means all the prizes) in the Haiti Sweepstakes are determined by the outcome of a horse race (see Pet. App. A2-A3) does not convert the purchase of a lottery ticket into a wager "on a sporting event," within the meaning of the exception in Section 1953 (b) (2). Moreover, that exception only applies to transportation into a "State"; foreign countries plainly were not contemplated. Compare Section 1953(c); see the opinion of the district court in the present case, 241 F. Supp. 272, 279-280.[5]

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[4] The critical phrase "bets or wagers on a sporting event" also appears in a companion measure, 18 U.S.C. 1084. The history of that bill makes clear that the phrase contemplates only sports betting, not lotteries, and that it was inserted in deference to the laws of Nevada permitting such wagering. See H. Rep. No. 967, 87th Cong., 1st Sess.; in 2 U.S. Code Cong. & Admin. News 2631, 2632-2633 (1961).

[5] It should be noted that, if petitioners had sent the lottery tickets by mail, rather than by common carrier, their conduct clearly would have violated federal law. 18 U.S.C. 1302.

CONCLUSION

For the foregoing reasons, it is respectfully submitted that the petition for a writ of certiorari should be denied.

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